

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MATTHEW PAUL BOROWSKI,

Petitioner,

VS.

WARDEN D. SPROUL,

Respondent.

Case No. 24-cv-00163-DWD

MEMORANDUM & ORDER

DUGAN, District Judge:

This case is now before the Court on remand from the United States Court of Appeals, Seventh Circuit (Doc. 33-1). The Seventh Circuit reversed this Court's Order dismissing Matthew Paul Borowski's petition for writ of habeas corpus under 28 U.S.C. § 2241, reasoning that, pursuant to 18 U.S.C. § 3585(b), which requires the Bureau of Prisons to credit time in custody not previously "credited against another sentence," Borowski is entitled to 354 days of prior custody credit for time he served in pre-trial state detention in excess of his federal sentence.

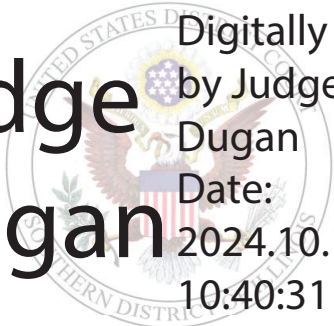
Therefore, consistent with the Seventh Circuit's Mandate (Doc. 33-1) docketed this day, the Court hereby **ORDERS** the following:

1. The Order denying Borowski's habeas petition (Doc. 19) and the Judgment (Doc. 20) are **VACATED**.
2. Borowski's habeas petition (Doc. 1) is **GRANTED**. The Clerk of Court is **DIRECTED** to enter an amended judgment accordingly.

3. Respondent **SHALL** award Borowski credit towards his current sentence for the 354 days he spent in pre-trial state detention that has never been credited against another sentence.
4. To ensure that Borowski is in fact timely released, the Bureau of Prisons is **DIRECTED** to take all appropriate steps to complete the processing of his release plan as expeditiously as reasonably possible.
5. The Clerk of Court is **DIRECTED** to furnish certified copies of this Order and the Amended Judgment to the Bureau of Prisons, the Warden of USP-Marion, Illinois, the United States Attorney for the Eastern District of North Carolina, the Federal Public Defender for the Eastern District of North Carolina, and the Clerk of the District Court for the Eastern District of North Carolina for filing in Case No. 7:12-CR-131-1BO.

SO ORDERED.

Dated: October 10, 2024

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by Judge
Dugan
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Judge
Dugan

DAVID W. DUGAN
United States District Judge